

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CURTIS STOCKLEY, JR., ET AL. : CIVIL ACTION
: :
v. : :
: :
DARBY BOROUGH, ET AL. : NO. 10-688

ORDER

AND NOW, this 14th day of October, 2010, upon consideration of Defendants' Motion to Dismiss the Amended Complaint (Docket No. 12), and Plaintiffs' opposition thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. The Motion to Dismiss the Amended Complaint is **GRANTED**.
2. Plaintiffs Patrick Ojong's and Elijah G.T. Thompson, IV's claims are **DISMISSED WITH PREJUDICE**, and Ojong and Thompson are **DISMISSED** as parties to this action.
3. Plaintiff Curtis Stockley, Jr.'s claims against Defendants Darby Borough, Lieutenant Richard Gibney, Lieutenant Darrell Guy, Officer Anthony Salvatore, Corporal Joseph Gabe, and Helen Thomas are **DISMISSED WITH PREJUDICE**, and those Defendants are **DISMISSED** as parties to this action.
4. Plaintiff Curtis Stockley, Jr.'s claims for punitive damages against Defendant Smythe in his official capacity are **DISMISSED WITH PREJUDICE**.

5. Plaintiff Curtis Stockley, Jr.'s remaining claims against Defendant Smythe are **DISMISSED WITHOUT PREJUDICE**. On or before November 4, 2010, Plaintiff Stockley may file a second amended complaint that more clearly sets forth the factual and legal bases for his claims against Defendant Smythe.

BY THE COURT:

/s/ John R. Padova, J.

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